

# State of South Dakota

## EIGHTIETH LEGISLATIVE ASSEMBLY, 2005

400L0259

### SENATE BILL NO. 16

Introduced by: The Committee on Commerce at the request of the Department of Labor

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding the statutes of  
2 limitation for workers' compensation claims.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 62-7-35 be amended to read as follows:

5 62-7-35. The right to compensation under this title shall be forever barred unless a written  
6 ~~request~~ petition for hearing pursuant to § 62-7-12 is filed by the claimant with the department  
7 within two years after the self-insurer or insurer notifies the claimant and the department, in  
8 writing, that it intends to deny coverage in whole or in part under this title. If the denial is in  
9 part, the bar shall only apply to such part.

10 Section 2. That § 62-7-35.1 be amended to read as follows:

11 62-7-35.1. In any case in which any benefits have been tendered pursuant to this title on  
12 account of an injury, any claim for additional compensation shall be barred, unless ~~a claim is~~  
13 filed the claimant files a written petition for hearing pursuant to § 62-7-12 with the department  
14 within three years from the date of the last payment of benefits. The provisions of this section  
15 do not apply to review and revision of payments or other benefits under § 62-7-33.

